

**MINUTES  
of the  
THIRD MEETING  
of the  
LEGISLATIVE STRUCTURE AND PROCESS STUDY TASK FORCE**

**December 7, 2006  
Room 307, State Capitol  
Santa Fe**

The third meeting of the Legislative Structure and Process Study Task Force was called to order by Richard E. Olson, co-chair, at 10:20 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Thomas A. Donnelly, Co-Chair  
Richard E. Olson, Co-Chair  
Rep. Janice E. Arnold-Jones  
Rep. Ray Begaye  
Sen. Mark Boitano  
Max Coll  
Linda M. Davis  
Charles Dorame  
Marie Eaves  
William R. Humphries  
Tommy Jewell  
Judy K. Jones  
Willard Lewis  
David McCumber  
Brian McDonald  
Sen. Nancy Rodriguez  
Rep. Thomas C. Taylor  
Anthony Williams  
Rep. Peter Wirth

**Absent**

Rep. Larry A. Larrañaga  
Sen. Cynthia Nava  
Sen. Steven P. Neville  
Sen. Gerald Ortiz y Pino  
Sen. William H. Payne  
Murray Ryan  
Rep. Henry Kiki Saavedra

**Advisory Members**

Rep. Donald E. Bratton  
Sen. Stuart Ingle  
Marilyn O'Leary  
Rep. Al Park  
Kim Seckler

**Staff**

Paula Tackett, Director, Legislative Council Service (LCS)

Raúl E. Burciaga, Assistant Director for Drafting Services, LCS  
Ric Gaudet, LCS  
John Yaeger, Assistant Director for Legislative Affairs, LCS

### **Guests**

The guest list is in the meeting file.

### **Handouts**

Copies of handouts from meeting presenters are in the meeting file.

### **Thursday, December 7**

#### **Review of New Mexico First Report on Facilitated Portion of October 30-31 Meeting**

The New Mexico First report on the October 30-31 task force meeting was reviewed by Heather Balas, president of New Mexico First. She presented the vision statement as agreed upon by the task force and presented reform ideas generated at the last meeting, categorized by topic.

The four reform categories are: session workload, interim workload, public input and institutional structure. Each reform was ranked according to support for further investigation, not necessarily whether the reform itself should be adopted. Task force members also rated several top priorities for reform. Ms. Balas then said that the task force needs to decide whether to pursue any of these reforms in the 2007 legislative session, or whether to wait until all reforms have been decided upon next year.

Kim Seckler asked Ms. Balas what she thought the next step for the task force should be. Ms. Balas responded that the New Mexico First report should be viewed as a starting point for the task force. She advised the task force to work with the ideas generated so far and to avoid adding new ideas to the list.

The task force then discussed the proposed vision statement for the legislature and made several modifications to its language and structure. Changes included adding "multicultural" to a sentence to include all minority groups, adding a sentence recognizing the unique relationship between the state and Native American governments, deleting "nonpolarized", adding "sets effective public policy" as a pillar of the statement, reordering the paragraphs and making a few changes for technical clarification. The vision statement was adopted, as amended, unanimously by the task force. The amended statement reads:

### *Vision for the Legislature*

*The New Mexico Legislature is a transparent decision-making body in which public opinion is solicited, valued and respected. The citizens understand the legislative process and actively engage in it. This participation is enabled by education and effective communication through the use of technology. As a result, members of the public can negotiate the legislative system.*

*The Legislature has adopted a proactive approach to governing the state. Legislators act for the good of the state as well as their individual districts. They exhibit the highest degree of self-discipline and leadership. The Legislature is cognizant of the unique relationships the state has with sovereign Native American governments. All participants in this process, including elected officials, lobbyists and other citizens, treat one another with respect.*

*New Mexico chooses to maintain its citizen legislature, and it uses effective tools that allow it to be deliberative, focused and thoughtful. The Legislature's streamlined bill system utilizes efficient computer programs that allow the Legislature's most essential functions to be addressed and accomplished in a timely way. In addition, the legislators have the resources, staff and physical facilities they need to do their jobs well.*

*The Legislature assumes a strong position among the branches of New Mexico government. It sets effective public policy and has oversight of state agencies and the capital outlay system. Most importantly, it effectively allocates public revenues.*

*As a result of the task force's restructuring, the Legislature achieves informed deliberation, which allows it to sustain New Mexico's unique multicultural blend of southwestern rural and urban lifestyles.*

### **Presentation of Potential Reform Categories**

John Yaeger reviewed the reform ideas generated by the task force and what kind of action would be necessary to implement each change. He grouped 37 ideas into seven different categories: interim structure, session volume, session time, public information, legislative-executive relations, member relations and constituent relations.

Representative Thomas C. Taylor mentioned another problem relating to agency oversight, which is that agencies tend to write rules that do not agree with legislative intent of laws. Max Coll said that veto override sessions may be desirable because the current system makes it nearly impossible for the legislature to override vetoes. He also said that the task force should consider changing the governor's line-item veto power to disallow language deletions in order to change the meaning of a bill.

Representative Taylor suggested that the task force make all of its recommendations in time for an extraordinary session of the legislature to convene in October or November 2007. He said that any recommendations presented to a regular session of the legislature will most likely get lost in the crush of other legislation. The last time the New Mexico Legislative Council created a committee to propose changes to the structure and process of the legislature, virtually none was implemented.

A discussion ensued about how to call an extraordinary session and what would be the best process and timing to convene it. The main point discussed included the need to have broad legislative and public support of the proposals before attempting to convene an extraordinary session. Representative Arnold-Jones moved that the task force consider all seven categories of reform proposals early enough in the 2007 interim to enable an extraordinary session of the legislature in the fall of 2007. More discussion followed, but a vote on the motion was postponed until after lunch.

### **Report on Capital Outlay Subcommittee Work**

Paula Tackett reported to the task force the work that the Capital Outlay Subcommittee had been doing during the interim. She briefly reviewed some of the testimony and presentations the subcommittee heard and discussed some of the reforms the subcommittee is considering. She predicted that the subcommittee will address time lines, including executive time lines; limiting the capital outlay bill to capital projects only; proposed criteria for state and local capital outlay projects; and setting capital spending levels early in the session in order to not be delayed by the general appropriation act process. She also said that the subcommittee may consider creating an interim capital outlay committee to review proposed projects.

Anthony Williams asked if there had been any discussion in the subcommittee about funneling a certain portion of severance tax revenue to local communities so that local governments can have more say in how to spend that money. Ms. Tackett said that the subcommittee had not considered that issue and that local governments have in the past been reluctant to raise their own taxes, preferring to let the state do that politically difficult task.

Representative Ray Begaye asked why there was no Native American representation on the subcommittee, because he knew that there were still big problems in getting capital projects implemented in Indian country. Ms. Tackett said that the subcommittee this year was more focused on the legislative process of capital outlay, and had not looked in-depth at more substantive issues.

Mr. Coll suggested that local governments be required to produce a local match before getting state capital outlay money, which would ensure that only quality, planned projects would get funded.

Senator Mark Boitano asked why some projects in his district were still not complete. Ms. Tackett said that sometimes projects actually are complete but that the agency has not yet

submitted invoices for reimbursement.

The task force recessed for lunch until 1:20 p.m.

## **Task Force Business**

### Tentative 2007 Meeting Dates

Mr. Yaeger presented a revised list of possible meeting dates for the task force in 2007, allowing for town hall meetings in September and an extraordinary session in late October or early November 2007.

Richard E. Olson asked if the task force report will be presented to the Legislative Council before or after the town hall meetings. Ms. Tackett said that it is up to the task force to decide. She also said that the task force could issue preliminary reports to advise the council of its work and intentions.

Mr. Coll suggested looking into the idea of calling a constitutional convention, which could involve the public more.

Senator Boitano expressed doubt that town hall meetings have much public representation. At a meeting he attended recently about schools, about 80 percent of attendees were interested parties while only 20 percent were members of the general public.

Representative Begaye asked when any constitutional reforms would take effect. Ms. Tackett responded that unless the legislature funded an earlier special election, any amendment would go into effect as soon as it has been certified by the state canvassing board as having passed, which would probably be late 2008.

Representative Arnold-Jones' motion, made earlier in the day, to seek an extraordinary session in 2007 was adopted unanimously.

### Session Length, Conference Committees and Legislative Compensation

Mr. Yaeger reviewed several research documents comparing New Mexico to other states in areas such as session length and calendars, public conference committees, legislative compensation and full-time versus part-time legislatures.

Mr. Olson asked how many states have restrictions on legislative session length. Mr. Yaeger said that the LCS will find out and report back to the task force.

## **New Mexico Interim Committee Process**

### Creation and Appointment Process

Ms. Tackett reviewed an information memorandum prepared for the task force about interim committees in New Mexico. She described the different types of committees and the

different types of appointing authorities. She said that once an interim committee has been established, it has historically been difficult ever to abolish the committee, even though it may no longer be necessary.

Mr. Williams asked why interim committees do not go away. He said that it seems that constituent groups use the committees to access government. Ms. Tackett said that the legislature could repeal all the statutes that created issue- and task-oriented committees or it could insert sunset provisions. Ms. Seckler suggested that the Legislative Council not appoint members to some interim committees for one year, and then it would be easier to repeal their statutes.

Mr. Coll said that interim committees are very important for the educational and citizen input roles they play. However, he said that the only reason the Radioactive and Hazardous Materials Committee still exists 27 years after its creation is because industrial interests want it as a tool to oversee the Department of Environment.

Representative Begaye suggested looking into letting standing committees function year-round.

Senator Nancy Rodriguez advised the task force not to get too eager to get rid of interim committees because legislators see them as a very important educational and public-input tool. She said she realizes that there probably are too many committees, but that it will be difficult to convince legislators that their committees need to expire.

Speaker of the House Ben Lujan, who was present for part of the meeting, agreed with Senator Rodriguez, but added that the task force needs to decide what would be best for the effectiveness of the legislature, and that may mean revising its interim committee structure.

Representative Peter Wirth said that interim committees have been very helpful for him. He suggested that interim committees not mirror standing committees, because interim committees allow legislators to learn about new subjects. He also suggested that members rotate their committee assignments every few years and that better planning be done to avoid agenda items returning every year.

Representative Begaye said that the state spends a large amount of money each year for interim committees to meet and develop legislation but that the ability to filibuster at the end of session often leads to many bills not passing, which is a big waste of time and money. Ms. Tackett said that if session workloads could be better managed, the filibuster issue would not be such a problem, because needed legislation would be passed in a timely fashion. Another idea is to somehow fast-track interim bills during the session.

Mr. Coll said that the senate consent calendar had been much abused in the past, resulting in many house bills never getting heard or acted upon. Only a few people in the senate decide the consent calendar, he said. Representative Arnold-Jones asked if double introduction of bills

is exacerbating the problem. Mr. Coll said that double introductions just waste time but one of those bills usually moves. The bigger problem, he said, is double and triple committee referrals, with committees refusing to kill bills. Finally, Mr. Coll said that interim committees should be charged each year with specific tasks and purposes.

Representative Janice E. Arnold-Jones agreed and added that a few committees should be created with broad scopes. Those committees would then focus on a few specific subjects each year.

Mr. Olson commented that it seems impossible today to have a job and attend all the interim committee meetings that legislators are expected to attend. He suggested that there could be an educational budget for each legislator to choose which extra interim committees to attend each year. That would allow the elimination of advisory members.

Senator Boitano said that the doubling of the per diem rate from what it was 10 years ago probably explains some of the increase in interim committee assignments. The current system rewards legislators for sitting in legislative meetings all day, rather than encouraging them to meet with constituents.

#### Trends in Size and Growth

Mr. Yaeger briefly described the increases in the number and membership of interim committees over the past 25 years, which brought up a new round of discussion.

Willard Lewis echoed Mr. Olson's suggestion of getting rid of advisory members on interim committees and, instead, allow and pay for a certain number of committee meeting dates for each legislator.

Mr. Yaeger said that the median number of interim committees a state representative serves on, including as an advisory member, is three. State senators typically serve on seven interim committees.

#### **Discussion of Interim Committee Process Reforms**

Representative Arnold-Jones recommended the establishment of a joint capital outlay committee for the 2007 interim. Following a brief discussion, that idea was put on hold until the Capital Outlay Subcommittee could hear the issue at its December meeting.

Mr. Olson moved that the Legislative Council establish a pilot project in 2007 to tie the membership of the standing judiciary committees to an interim committee that studies judicial and corrections issues. The motion was adopted unanimously.

The minutes of the October 30-31 meeting of the task force were approved.

Ms. Tackett asked for direction from the task force on how to proceed with the sequence of scheduling topics for the 2007 interim. The task force directed the LCS to work with the co-

chairs of the task force in coming up with the topic order.

There being no further business, the task force adjourned at 3:20 p.m.